September 12, 2016

The Honorable Edward J.B. Calvo
I Maga’låhen Guåhan
Ufisinan I Maga’låhi
Hagåtña, Guam

Dear Maga’låhi Calvo:

Transmitted herewith is Substitute Bill No. 326-33 (COR), which was passed by I Minatrentai Tres Na Liheslaturan Guåhan on September 12, 2016.

Sincerely,

RORY J. RESPICIO
Acting Legislative Secretary

Enclosure (1)
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA’LÅHEN GUÅHAN

This is to certify that Bill No. 326-33 (COR), "AN ACT TO ADD A NEW § 11301.1; REPEAL SUBSECTIONS (b) AND (c) OF § 11306; AND REPEAL § 11306.1, ALL OF ARTICLE 3, CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO THE STATUTE OF LIMITATIONS IN CASES INVOLVING CHILD SEXUAL ABUSE," was on the 12th day of September 2016, duly and regularly passed.

Attested:

[Signature]
Rory J. Respicio
Acting Legislative Secretary

This Act was received by I Maga’låhen Guåhan this 12th day of Sept, 2016, at 4:25 o’clock P.M.

[Signature]
Assistant Staff Officer
Maga’låhi’s Office

APPROVED:

[Signature]
EDWARD J.B. CALVO
I Maga’låhen Guåhan

Date:______________________________

Public Law No.____________________
I MINA'TRENTAI TRES NA LIHESLURAN GUÁHAN
2016 (SECOND) Regular Session

Bill No. 326-33 (COR)
As substituted by the Committee on the
Guam U.S. Military Relocation, Public Safety,
and Judiciary; and amended on the Floor.

Introduced by:

Frank F. Blas, Jr.
FRANK B. AGUON, JR.
R. J. Respicio
Judith T. Won Pat, Ed.D.
Mary Camacho Torres
N. B. Underwood, Ph.D.
T. C. Ada
V. Anthony Ada
B. J.F. Cruz
James V. Espaldon
Brant T. McCreadie
Tommy Morrison
T. R. Muñia Barnes
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas

AN ACT TO ADD A NEW § 11301.1; REPEAL
SUBSECTIONS (b) AND (c) OF § 11306; AND REPEAL §
11306.1, ALL OF ARTICLE 3, CHAPTER 11, TITLE 7,
GUAM CODE ANNOTATED, RELATIVE TO THE
STATUTE OF LIMITATIONS IN CASES INVOLVING
CHILD SEXUAL ABUSE.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. I Lihesluran Guåhan finds
that in Bill 34-31, which became Public Law 31-07, I Trentai Uno Na Liheslurta
made extensive findings, to wit:
"I Liheslaturan Guåhan finds that child sexual abuse survivors often are disabled from revealing abuse at the time they suffer it and for many years thereafter. For some, the abuser was a parent, stepparent, or relative, a member of the clergy, a teacher or other trusted adult. Some victims blame themselves and fear retribution if the abuse is revealed. For many, the trauma itself prevents them from coming forward earlier. As adults, victims may not connect the assault to its long-lasting impact until they seek therapeutic help years later. Many of the injuries associated with childhood sexual abuse do not manifest themselves until much later in life. The expiration of applicable statute of limitations during this period had the effect of barring many meritorious claims. This has allowed many child sexual abusers to escape civil liability. If evidence is sufficient to prove civil liability, the mere passage of time should not foreclose child sexual abuse survivors from seeking justice. Therefore, I Liheslatura finds that justice for child sexual abuse survivors may be achieved by reviving the statute of limitations for civil actions for past child sexual abuse for a two (2) year period."

I Mina'Trentai Tres Na Liheslatura wholeheartedly adopts and republishes those findings.

I Liheslaturan Guåhan further finds that while the noble intent of Public Law 31-07 was to encourage child sexual abuse survivors to come forward and bring their victimizers to account, provisions in § 11306.1 of Article 3, Chapter 11, Title 7, Guam Code Annotated, served to discourage counsel from undertaking the representation of child sexual abuse survivors, an unintended consequence of Public Law 31-07. The chilling effect of the provisions in Public Law 31-07 was apparently sufficient to dissuade counsel from bringing actions for child sexual abuse no matter how meritorious the claim.

It is, therefore, the intent of I Liheslaturan Guåhan to make it possible for those child sexual abuse survivors to seek justice against their victimizers. Further,
it is the intent of I Liheslaturan Guåhan to remove the current section requiring Certificates of Merit as such information would have a chilling effect on those sexual abuse survivors who choose to seek justice against their victimizers.

Section 2. A new § 11301.1 is added to Article 3 of Chapter 11, Title 7, Guam Code Annotated, to read:

"§ 11301.1. No Limit for Child Sexual Abuse.

(a) Any claim arising from an incident of child sexual abuse may be commenced against a person, a legal entity, abusers, their enablers, their aiders or abettors, those acting in concert with them and their institutions at any time.

(b) Any claim arising from an incident of child sexual abuse that occurred on Guam which has been barred by virtue of the expiration of the previous civil statute of limitations shall be permitted to be filed in any court of competent jurisdiction."

Section 3. Subsections (b) and (c) of § 11306 of Article 3, Chapter 11, Title 7, Guam Code Annotated, are hereby repealed.

Section 4. § 11306.1 of Article 3, Chapter 11, Title 7, Guam Code Annotated, is hereby repealed.